

HOUSE BILL 494

M4

6lr1455

By: **Delegates Miele, Hettleman, Aumann, Bromwell, Buckel, Carr, Cassilly, Cluster, Flanagan, Frick, Frush, Jacobs, Kramer, Lierman, Luedtke, McComas, McKay, Metzgar, Morgan, Morhaim, Rose, Stein, Turner, West, and K. Young**

Introduced and read first time: February 1, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Animal Shelters – Uniform Standards of Operation and Care**
3 **(Animal Shelters Standards Act of 2016)**

4 FOR the purpose of requiring an animal shelter to develop and make reasonable efforts to
5 adhere to a certain written veterinary care protocol; establishing certain
6 requirements for the written veterinary protocol; requiring an animal shelter to meet
7 certain veterinary care requirements; requiring an animal shelter to maintain
8 certain holding periods for certain stray animals; requiring an animal shelter to take
9 certain steps to determine the identity of an animal in its custody; requiring an
10 animal shelter to make certain efforts to accommodate a person intending to adopt,
11 foster, reclaim, or transfer sheltered animals; specifying certain euthanasia
12 requirements and protocol for an animal shelter; prohibiting an animal shelter from
13 knowingly loaning a humane animal–capture trap to the public for a lethal purpose;
14 requiring an animal shelter to obtain certain information from an individual
15 borrowing a humane animal–capture trap; requiring an animal shelter to take
16 certain actions for animals reported as lost; requiring an animal shelter to establish
17 and make available to the public in a certain manner a certain written protocol for
18 reclaiming lost animals; requiring an animal shelter to establish, maintain, and
19 report to the Department of Agriculture in a certain manner a certain list of certain
20 organizations that accept animals for adoption or foster care; requiring an animal
21 shelter to maintain and submit to the Department certain records in a certain
22 manner; requiring an animal shelter to make the records maintained under this Act
23 available to the public in a certain manner; requiring the Department to annually
24 report to the Governor and the General Assembly; making a person who violates
25 certain provisions of this Act guilty of a misdemeanor and subject to a certain fine;
26 authorizing a person to bring a certain civil action; requiring the court to issue a
27 permanent injunction if the court makes a certain finding; providing immunity for
28 an animal shelter under certain circumstances; awarding court costs and attorney’s

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 fees to a person who brings a successful action; stating that the circuit court of the
 2 county where the violation occurred has jurisdiction to enforce the provisions of this
 3 Act; stating that, notwithstanding certain provisions of law, the Department is not
 4 required to enforce the requirements of this Act; defining certain terms; stating the
 5 intent and findings of the General Assembly; and generally relating to animal
 6 shelters.

7 BY adding to

8 Article – Agriculture

9 Section 2–1701 through 2–1712 to be under the new subtitle “Subtitle 17. Animal
 10 Shelters”

11 Annotated Code of Maryland

12 (2007 Replacement Volume and 2015 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 14 That the Laws of Maryland read as follows:

15 **Article – Agriculture**

16 **SUBTITLE 17. ANIMAL SHELTERS.**

17 **2–1701.**

18 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 19 **INDICATED.**

20 **(B) (1) “ANIMAL RESCUE ORGANIZATION” MEANS AN ORGANIZATION:**

21 **(I) WHOSE PRIMARY MISSION INVOLVES ANIMAL WELFARE;**

22 **AND**

23 **(II) THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF**
 24 **THE INTERNAL REVENUE CODE.**

25 **(2) “ANIMAL RESCUE ORGANIZATION” INCLUDES:**

26 **(I) AN ANIMAL ADOPTION ORGANIZATION; AND**

27 **(II) AN ORGANIZATION FORMED FOR THE PREVENTION OF**
 28 **CRUELTY TO ANIMALS.**

29 **(C) “ANIMAL SHELTER” MEANS A PUBLIC OR PRIVATE FACILITY THAT:**

1 **(1) HAS A PHYSICAL STRUCTURE THAT PROVIDES TEMPORARY OR**
2 **PERMANENT SHELTER TO STRAY, ABANDONED, ABUSED, OR OWNER-SURRENDERED**
3 **ANIMALS; AND**

4 **(2) IS OWNED, OPERATED, OR MAINTAINED BY A GOVERNMENTAL**
5 **ENTITY OR AN ENTITY HAVING A CONTRACT FOR ANIMAL SHELTERING, CARE, OR**
6 **CONTROL WITH A GOVERNMENTAL ENTITY.**

7 **(D) “GRAVE PHYSICAL SUFFERING” MEANS A CONDITION REFLECTING A**
8 **POOR PROGNOSIS FOR AN ANIMAL TO BE ABLE TO LIVE WITHOUT SEVERE**
9 **UNREMITTING PAIN.**

10 **(E) “LICENSED VETERINARIAN” MEANS A VETERINARIAN LICENSED TO**
11 **PRACTICE VETERINARY MEDICINE IN THE STATE.**

12 **2-1702.**

13 **(A) THE GENERAL ASSEMBLY FINDS THAT ANIMAL SHELTERS PERFORM AN**
14 **INTEGRAL COMMUNITY SERVICE.**

15 **(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENHANCE ANIMAL**
16 **SHELTER SERVICES BY PROMOTING HUMANE ANIMAL SHELTERING POLICIES AND**
17 **STRENGTHENING COMMUNITY SAFETY.**

18 **2-1703.**

19 **(A) AN ANIMAL SHELTER SHALL DEVELOP AND MAKE REASONABLE**
20 **EFFORTS TO ADHERE TO A WRITTEN VETERINARY CARE PROTOCOL THAT IS**
21 **CONSISTENT WITH GUIDELINES SET FORTH IN THE MOST RECENT ASSOCIATION OF**
22 **SHELTER VETERINARIANS’ GUIDELINES FOR STANDARDS OF CARE IN ANIMAL**
23 **SHELTERS WITH RESPECT TO:**

24 **(1) BASIC CARE;**

25 **(2) SANITATION;**

26 **(3) POPULATION MANAGEMENT;**

27 **(4) DISEASE CONTROL AND PREVENTION;**

28 **(5) BEHAVIORAL HEALTH AND MENTAL WELL-BEING; AND**

29 **(6) EUTHANASIA.**

1 **(B) THE WRITTEN VETERINARY CARE PROTOCOL SHALL INCLUDE:**

2 **(1) STANDARDS THAT ARE NECESSARY TO PROTECT IMPOUNDED**
3 **ANIMALS' AND SHELTERED ANIMALS' HEALTH, SAFETY, AND WELL-BEING; AND**

4 **(2) A PLAN FOR:**

5 **(I) QUALITY OF LIFE ENRICHMENT;**

6 **(II) VETERINARY CARE;**

7 **(III) PREVENTION AND CONTROL OF CONTAGIOUS AND OTHER**
8 **DISEASES; AND**

9 **(IV) ANY OTHER HEALTH AND ENVIRONMENTAL FACTORS THAT**
10 **MATERIALLY AFFECT IMPOUNDED ANIMALS' AND SHELTERED ANIMALS' HEALTH,**
11 **SAFETY, AND WELL-BEING.**

12 **(C) AN ANIMAL SHELTER SHALL UPDATE ITS WRITTEN VETERINARY CARE**
13 **PROTOCOL AS NECESSARY TO REASONABLY ACCOMMODATE ANY SUBSEQUENT**
14 **UPDATES TO THE ASSOCIATION OF SHELTER VETERINARIANS' GUIDELINES FOR**
15 **STANDARDS OF CARE IN ANIMAL SHELTERS.**

16 **2-1704.**

17 **AN ANIMAL SHELTER SHALL USE DUE DILIGENCE AND REASONABLE EFFORTS**
18 **TO ENSURE THAT AN ANIMAL NEEDING URGENT CARE RECEIVES THE APPROPRIATE**
19 **STANDARD OF VETERINARY CARE AS SOON AS POSSIBLE.**

20 **2-1705.**

21 **(A) THIS SECTION DOES NOT APPLY TO:**

22 **(1) HOLDING AN OWNER-SURRENDERED ANIMAL; OR**

23 **(2) HOLDING AN ANIMAL THAT IS BEING RECLAIMED BY THE**
24 **ANIMAL'S OWNER OR CAREGIVER.**

25 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
26 **AN ANIMAL SHELTER SHALL HOLD STRAY ANIMALS IN ITS CARE FOR A MINIMUM**
27 **HOLDING PERIOD OF 72 HOURS FROM INTAKE, NOT INCLUDING DAYS THE ANIMAL**
28 **SHELTER IS CLOSED TO THE PUBLIC.**

1 **(2) AN ANIMAL SHELTER MAY PLACE AT ANY TIME STRAY ANIMALS IN**
2 **ITS CARE THAT ARE UNDER 12 WEEKS OLD IN FOSTER CARE OR WITH AN ANIMAL**
3 **RESCUE ORGANIZATION.**

4 **(C) IF AN ANIMAL IS NOT RECLAIMED WITHIN THE ANIMAL SHELTER'S**
5 **HOLDING PERIOD, THE ANIMAL SHELTER MAY:**

6 **(1) ALLOW THE ANIMAL TO BE ADOPTED; OR**

7 **(2) TRANSFER THE ANIMAL TO ANOTHER ANIMAL SHELTER OR**
8 **ANIMAL RESCUE ORGANIZATION.**

9 **2-1706.**

10 **(A) (1) AN ANIMAL SHELTER SHALL INSPECT EVERY ANIMAL TAKEN INTO**
11 **CUSTODY FOR ALL CURRENTLY ACCEPTABLE METHODS OF IDENTIFICATION WITHIN**
12 **24 HOURS OF INTAKE, INCLUDING:**

13 **(I) MICROCHIPS;**

14 **(II) IDENTIFICATION TAGS;**

15 **(III) TATTOOS;**

16 **(IV) LICENSES; AND**

17 **(V) ANY OTHER METHOD COMMONLY USED TO ASCERTAIN THE**
18 **IDENTITY OF THE ANIMAL'S OWNER OR CAREGIVER.**

19 **(2) IF AN ANIMAL SHELTER DETERMINES THE IDENTITY OF AN**
20 **ANIMAL TAKEN INTO CUSTODY, THE SHELTER SHALL MAKE REASONABLE ATTEMPTS**
21 **TO NOTIFY THE OWNER WITHIN 24 HOURS AFTER INTAKE.**

22 **(B) (1) AN ANIMAL SHELTER SHALL USE DUE DILIGENCE TO DETERMINE**
23 **PROOF OF OWNERSHIP AND IDENTITY FOR AN OWNER-SURRENDERED ANIMAL.**

24 **(2) OWNER-SURRENDERED ANIMALS SHALL BE RECEIVED DURING**
25 **THE ANIMAL SHELTER'S ORDINARY BUSINESS HOURS OR BY APPOINTMENT.**

26 **2-1707.**

1 AN ANIMAL SHELTER SHALL MAKE REASONABLE EFFORTS TO ACCOMMODATE
2 A PERSON INTENDING TO ADOPT, FOSTER, RECLAIM, OR TRANSFER SHELTERED
3 ANIMALS BY HAVING HOURS OF OPERATION DURING THE EVENINGS AND WEEKENDS.

4 **2-1708.**

5 (A) SUBJECT TO § 2-1703 OF THIS SUBTITLE, AN ANIMAL SHELTER
6 PERFORMING EUTHANASIA ON THE PREMISES OF THE ANIMAL SHELTER OR
7 THROUGH A SEPARATE ENTITY SHALL HAVE A CURRENT WRITTEN PROTOCOL
8 STATING THE CRITERIA FOR DETERMINING WHICH ANIMALS MAY BE EUTHANIZED
9 AND THE PROCEDURE FOR EUTHANASIA.

10 (B) (1) AN ANIMAL SHELTER MAY EUTHANIZE A DOG, A CAT, OR ANY
11 OTHER ANIMAL UNDER THE FOLLOWING CIRCUMSTANCES:

12 (I) 1. THERE ARE NO EMPTY CAGES OR OTHER
13 APPROPRIATE LIVING SPACE FOR THE ANIMAL AT THE ANIMAL SHELTER;

14 2. THERE ARE NO ANIMAL RESCUE ORGANIZATIONS
15 APPROVED BY THE ANIMAL SHELTER UNDER § 2-1710(B) OF THIS SUBTITLE THAT
16 ARE WILLING OR ABLE TO ACCEPT THE ANIMAL;

17 3. THERE IS NO REASONABLE ALTERNATIVE AVAILABLE;
18 AND

19 4. THE ANIMAL SHELTER HAS FULLY COMPLIED WITH
20 THE HOLDING PERIODS AND IDENTIFICATION PROCEDURES UNDER §§ 2-1705 AND
21 2-1706 OF THIS SUBTITLE;

22 (II) AN ANIMAL IS SUFFERING GRAVELY OR A LICENSED
23 VETERINARIAN DEEMS EUTHANASIA IS MEDICALLY NECESSARY; OR

24 (III) TO PROTECT THE ANIMAL SHELTER'S STAFF OR OTHER
25 SHELTERED ANIMALS FROM A CONTAGIOUS DISEASE GENERALLY KNOWN TO CAUSE
26 DEATH OR SERIOUS PERMANENT BODILY INJURY.

27 (2) THE SIGNATURE OF THE ANIMAL SHELTER MANAGER OR OF THE
28 MANAGER'S DESIGNEE ON AN ANIMAL'S EUTHANASIA RECORD SHALL BE
29 PRESUMPTIVE EVIDENCE THAT THE CRITERIA IN PARAGRAPH (1)(I) OF THIS
30 SUBSECTION HAVE BEEN MET.

31 (C) AN ANIMAL SHELTER'S APPROPRIATELY CERTIFIED STAFF MAY
32 EUTHANIZE AN ANIMAL IF:

1 **(1) THE NEED ARISES DURING AN EMERGENCY;**

2 **(2) THE NEED ARISES OUTSIDE THE ANIMAL SHELTER'S REGULAR**
3 **HOURS OF OPERATION; OR**

4 **(3) A LICENSED VETERINARIAN IS NOT AVAILABLE.**

5 **(D) (1) ANIMAL BEHAVIOR TESTING MAY NOT BE THE SOLE REASON USED**
6 **TO DETERMINE THAT A CAT MAY BE EUTHANIZED.**

7 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
8 **PARAGRAPH, ANIMAL BEHAVIOR TESTING MAY NOT BE THE SOLE REASON TO**
9 **DETERMINE THAT A DOG MAY BE EUTHANIZED.**

10 **(II) ANIMAL BEHAVIOR TESTING MAY BE THE SOLE REASON TO**
11 **DETERMINE THAT A DOG MAY BE EUTHANIZED IF:**

12 **1. THE DOG HAS BEEN DEEMED "DANGEROUS" UNDER**
13 **STATE OR LOCAL LAW AND ALL APPEALS HAVE BEEN EXHAUSTED;**

14 **2. THE DOG HAS A HISTORY OF UNPROVOKED BITING**
15 **THAT HAS RESULTED IN INJURY TO A HUMAN BEING OR ANOTHER ANIMAL; OR**

16 **3. THE DOG IS A CLEAR AND PRESENT DANGER.**

17 **(E) AN OWNER-SURRENDERED ANIMAL MAY NOT BE EUTHANIZED WITHIN**
18 **THE FIRST 24 HOURS FROM THE ANIMAL'S INTAKE UNLESS THE ANIMAL IS BEING**
19 **SURRENDERED FOR OR IN THE EVENT OF:**

20 **(1) OWNER-REQUESTED EUTHANASIA;**

21 **(2) GRAVE PHYSICAL SUFFERING;**

22 **(3) MEDICAL NECESSITY; OR**

23 **(4) BEING A CLEAR AND PRESENT DANGER.**

24 **2-1709.**

25 **(A) AN ANIMAL SHELTER MAY NOT KNOWINGLY LOAN A HUMANE**
26 **ANIMAL-CAPTURE TRAP TO THE PUBLIC FOR A LETHAL PURPOSE.**

1 **(B) AN ANIMAL SHELTER SHALL REQUIRE AN INDIVIDUAL WHO IS**
2 **BORROWING A HUMANE ANIMAL-CAPTURE TRAP TO PROVIDE THE ANIMAL SHELTER**
3 **WITH:**

4 **(1) THE INDIVIDUAL'S PHOTO IDENTIFICATION AND CURRENT**
5 **CONTACT INFORMATION; AND**

6 **(2) THE IDENTIFICATION NUMBER OF THE HUMANE**
7 **ANIMAL-CAPTURE TRAP BORROWED.**

8 **2-1710.**

9 **(A) AN ANIMAL SHELTER SHALL:**

10 **(1) MAINTAIN A CURRENT LIST OF ALL ANIMALS REPORTED AS LOST;**

11 **(2) ATTEMPT TO MATCH LOST ANIMALS WITH THOSE REPORTED TO**
12 **HAVE BEEN FOUND AND WITH THOSE IN THE ANIMAL SHELTER'S CUSTODY;**

13 **(3) USE DUE DILIGENCE, INCLUDING INTERNET-BASED RESOURCES,**
14 **TO NOTIFY THE PUBLIC OF ALL STRAY ANIMALS IN THE CUSTODY OF THE ANIMAL**
15 **SHELTER;**

16 **(4) ALLOW ALL ANIMALS IN THE CUSTODY OF THE ANIMAL SHELTER**
17 **TO BE PHOTOGRAPHED WITH SUFFICIENT DETAIL FOR PURPOSES OF**
18 **IDENTIFICATION, NOT INCLUDING ANIMALS THAT ARE BEING:**

19 **(I) HELD FOR CRIMINAL OR DOMESTIC VIOLENCE**
20 **INVESTIGATIONS;**

21 **(II) HELD FOR OWNER-REQUESTED EUTHANASIA; AND**

22 **(III) RETURNED TO THE ANIMAL'S OWNER; AND**

23 **(5) ESTABLISH AND MAKE AVAILABLE TO THE PUBLIC ON THE**
24 **ANIMAL SHELTER'S WEB SITE OR IN A CONSPICUOUS LOCATION WITHIN THE ANIMAL**
25 **SHELTER'S FACILITY A WRITTEN PROTOCOL FOR RECLAIMING ANIMALS FROM THE**
26 **ANIMAL SHELTER THAT INCLUDES:**

27 **(I) THE MINIMUM HOLDING PERIOD FOR STRAY ANIMALS;**

28 **(II) THE HOURS OF OPERATION DURING WHICH AN ANIMAL MAY**
29 **BE RECLAIMED BY THE ANIMAL'S OWNER OR CAREGIVER;**

1 (III) THE FEES ASSOCIATED WITH RECLAIMING AN ANIMAL; AND

2 (IV) ANY IDENTIFICATION OR DOCUMENTATION THAT MUST BE
3 PROVIDED TO THE ANIMAL SHELTER BEFORE AN ANIMAL MAY BE RECLAIMED.

4 (B) (1) AN ANIMAL SHELTER SHALL ESTABLISH, MAINTAIN, AND REPORT
5 TO THE DEPARTMENT AT A FREQUENCY AND IN A MANNER REQUIRED BY THE
6 DEPARTMENT A LIST OF ANIMAL RESCUE ORGANIZATIONS APPROVED BY THE
7 ANIMAL SHELTER TO ACCEPT ANIMALS FOR THE PURPOSE OF ADOPTION OR FOSTER
8 CARE.

9 (2) THE LIST SHALL INCLUDE:

10 (I) THE SPECIES, TYPES, AND BREEDS OF ANIMALS ABOUT
11 WHICH THE ORGANIZATION WISHES TO BE CONTACTED; AND

12 (II) ANY OTHER INFORMATION THAT FACILITATES FOSTERING
13 OR ADOPTING SHELTERED ANIMALS.

14 2-1711.

15 (A) (1) AN ANIMAL SHELTER SHALL MAINTAIN AND SUBMIT TO THE
16 DEPARTMENT, AT A FREQUENCY AND IN A MANNER DETERMINED BY THE
17 DEPARTMENT, RECORDS SPECIFYING THE FOLLOWING INFORMATION FOR EACH
18 ANIMAL SEIZED, IMPOUNDED, OR OTHERWISE TAKEN INTO CUSTODY:

19 (I) INTAKE INFORMATION, INCLUDING THE DATE AND
20 LOCATION OF WHEN AND WHERE THE ANIMAL WAS FOUND;

21 (II) THE ANIMAL'S SPECIES AND GENDER AND WHETHER THE
22 ANIMAL IS OVER 12 WEEKS OF AGE;

23 (III) ALL SIGNIFICANT VETERINARY, BEHAVIORAL, AND OTHER
24 CARE PROVIDED WHILE IN THE ANIMAL SHELTER;

25 (IV) IF THE ANIMAL IS EUTHANIZED, THE REASON FOR
26 EUTHANASIA AND THE DATE EUTHANIZED;

27 (V) IF THE ANIMAL IS TRANSFERRED TO AN ANIMAL RESCUE
28 ORGANIZATION OR TO A THIRD PARTY, THE NAME OF THE ORGANIZATION AND DATE
29 TRANSFERRED;

1 (VI) IF THE ANIMAL IS RECLAIMED BY ITS OWNER, THE DATE
2 RECLAIMED AND THE INFORMATION OF THE PERSON RECLAIMING THE ANIMAL; AND

3 (VII) ANY INTERNAL ACCESSION, TRACKING, OR OTHER
4 SERIALIZED NUMBER USED TO IDENTIFY INDIVIDUAL ANIMALS IN THE ANIMAL
5 SHELTER.

6 (2) ALL RECORDS MAINTAINED UNDER THIS SUBSECTION SHALL BE
7 MADE AVAILABLE ON REQUEST TO THE PUBLIC:

8 (I) IN THEIR ORIGINAL FORM;

9 (II) IN AN EASILY ACCESSIBLE FORMAT; AND

10 (III) AT A REASONABLE COST TO THE REQUESTOR.

11 (B) (1) AN ANIMAL SHELTER SHALL MAINTAIN ONGOING RECORDS OF:

12 (I) THE NUMBER OF CATS AND DOGS TAKEN IN; AND

13 (II) THE NUMBER OF CATS AND DOGS DISPOSED OF, BROKEN
14 DOWN BY METHOD OF DISPOSAL, INCLUDING EUTHANASIA.

15 (2) ALL RECORDS MAINTAINED UNDER THIS SUBSECTION SHALL BE
16 RETAINED FOR A PERIOD OF 3 YEARS.

17 (3) ALL RECORDS MAINTAINED UNDER THIS SUBSECTION SHALL BE
18 MADE AVAILABLE TO THE PUBLIC:

19 (I) ON THE ANIMAL SHELTER'S WEB SITE; OR

20 (II) IN A CONSPICUOUS LOCATION WITHIN THE ANIMAL
21 SHELTER'S FACILITY.

22 (C) (1) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE
23 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
24 ARTICLE, THE GENERAL ASSEMBLY THAT SUMMARIZES THE INFORMATION
25 REPORTED TO THE DEPARTMENT BY AN ANIMAL SHELTER UNDER § 2-1710(B) OF
26 THIS SUBTITLE AND SUBSECTION (A)(1) OF THIS SECTION.

27 (2) THE DEPARTMENT MAY PREPARE AND SUBMIT THE REPORT
28 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN CONJUNCTION WITH
29 THE REPORT REQUIRED UNDER § 2-1602(I) OF THIS TITLE.

1 2-1712.

2 (A) (1) A PERSON WHO VIOLATES § 2-1708 OF THIS SUBTITLE IS GUILTY
3 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
4 \$2,500 PER VIOLATION.

5 (2) EACH INDIVIDUAL ANIMAL HARMED SHALL BE A SEPARATE
6 VIOLATION.

7 (3) A CRIMINAL ACTION FOR VIOLATION OF § 2-1708 OF THIS
8 SUBTITLE SHALL BE PROSECUTED BY THE STATE'S ATTORNEY OF THE COUNTY IN
9 WHICH THE VIOLATION OCCURRED.

10 (B) (1) A PERSON MAY BRING A CIVIL ACTION FOR MONEY DAMAGES OR
11 TO ENJOIN A VIOLATION OF THIS SUBTITLE.

12 (2) THE COURT SHALL ISSUE A PERMANENT INJUNCTION IF THE
13 COURT FINDS THAT AN ACT SOUGHT TO BE ENJOINED IS A VIOLATION OF THIS
14 SUBTITLE OR OF ANY OTHER LAW.

15 (C) UNLESS AN ANIMAL SHELTER IS GROSSLY NEGLIGENT, THE ANIMAL
16 SHELTER SHALL BE IMMUNE FROM ANY CLAIM FOR PERSONAL INJURY OR
17 PROPERTY DAMAGE ARISING FROM AN ADOPTION, A TRANSFER, OR THE FOSTERING
18 OF AN ANIMAL IN THE ANIMAL SHELTER'S CUSTODY, INCLUDING A CLAIM BROUGHT
19 BY A THIRD PARTY.

20 (D) IF, IN AN ACTION UNDER SUBSECTION (A) OR (B) OF THIS SECTION, THE
21 COURT FINDS THAT A PERSON VIOLATED THIS SUBTITLE, THE COURT SHALL AWARD
22 THE PERSON WHO BROUGHT THE ACTION COURT COSTS AND ATTORNEY'S FEES.

23 (E) THE CIRCUIT COURT OF THE COUNTY WHERE THE VIOLATION
24 OCCURRED SHALL HAVE JURISDICTION TO ENFORCE THE PROVISIONS OF THIS
25 SUBTITLE.

26 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
27 RELATING TO THE EXERCISE OF THE DEPARTMENT'S ENFORCEMENT AUTHORITY,
28 THE DEPARTMENT IS NOT REQUIRED TO ENFORCE THE REQUIREMENTS OF THIS
29 SUBTITLE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2016.